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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Michael Austin and Barry O'Brien
Application No.:	09/683249
Filed:	December 5, 2001
For:	Combined Balloon-Expanding and Self-Expanding Stent
Examiner:	Michael Thaler
Group Art Unit:	3731

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2B-10014-US01

**FACSIMILE TRANSMITTAL LETTER**

TO: Examiner Thaler  
FACSIMILE NO.: 703-872-9306  
GROUP ART UNIT: 3731

DATE: September 20, 2004  
TIME: 11:50am.

TOTAL NUMBER OF PAGES (including cover letter): 14

Following please find a 2 page Amendment, Petition and Fee to Correct and/or Add to Originally Named (Inventor(s) (37 C.F.R. 1.48(a) and/or (c)); 1 page Petition to Correct Inventorship Pursuant to 37 C.F.R. 1.48(a); 3 page Declaration; 2 page Assignee's Statement of Ownership 37 CFR 3.73(B); 3 page copy of Recorded Assignment from Michael Austin to SciMed Life Systems, Inc., 2 page copy of Assignment from Barry O'Brien to SciMed Life Systems, Inc. incl. Recordation Form Cover Sheet in addition to this 1 page Facsimile Transmittal Letter.

If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit Account No. 22-0350 for any required fees. To the extent that any petition is required to consider this communication, please treat this as such a petition.

Respectfully Submitted,

VIDAS, ARRETT &amp; STEINKRAUS, P.A.

Date: September 20, 2004

By: 

Brendan C. Babcock  
Reg. No. 50,705

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
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**Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on September 20, 2004.

Signature: 

Rebecca M. Painschab

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<b>In re Application of:</b>	<b>Michael Austin and Barry O'Brien</b>
<b>Application No.:</b>	<b>09/683249</b>
<b>Filed:</b>	<b>December 5, 2001</b>
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<b>Examiner:</b>	<b>Michael Thaler</b>
<b>Group Art Unit:</b>	<b>3731</b>

Mail Stop Petition  
Commissioner for Patents  
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Alexandria, VA 22313-1450

**Docket No.: S63.2B-10014-US01****AMENDMENT, PETITION AND FEE TO CORRECT AND/OR ADD  
TO ORIGINALLY NAMED INVENTOR(S) (37 C.F.R. 1.48(a) AND/OR (c))**

1. **This amendment and petition is to:**  
(check each applicable item)

☒ correct the incorrect original naming of inventor(s) under  
37 C.F.R. 1.48(a).

and/or

☐ add inventor(s) for subject matter disclosed in the application but  
previously unclaimed under 37 C.F.R. 1.48(c).

2. **Addition and/or Deletion of Inventor(s)**  
(check and complete all applicable items)

☒ Add the following previously unnamed person(s) as inventor(s) of  
this application:

Barry O'Brien

☐ Delete the following previously incorrectly named inventor(s):

*Application No. 09/683,249*  
*Page 2*

*Petition to Correct Inventorship*  
*Attorney Docket No. S63.2-10014-US01*

**3. Attachments**

Attached is:

- (a) a statement of facts verified by the original named inventor(s) establishing when the error without deceptive intention was discovered and how it occurred and/or when the claims to the previously disclosed unclaimed subject by the inventor(s) not named in the application were added and the diligence with which this petition and amendment is being made with respect to these facts.
- (b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. 1.63.
- (c) written assent of the assignee (if applicable).
- (d) (check the following item if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claims now being claimed.)
  - ☐ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

**4. Fee Payment (37 C.F.R. 1.17(h))**

The fee required is paid as follows:

- ☐ Enclosed is a check for \$130.00.
- ☐ Charge Deposit Account No. \_\_\_\_\_ for any deficiency.
- ☒ Charge Deposit Account No. 22-0350 the sum of \$130.00.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 20, 2004

By: Brendan C. Babcock  
Brendan C. Babcock  
Registration No.: 50705

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Michael Austin
Application No.:	09/683249
Filed:	December 5, 2001
For:	Combined Balloon-Expanding and Self-Expanding Stent
Examiner:	Sarah K. Webb
Group Art Unit:	3731

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Docket No.: S63.2B-10014-US01

## PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)

An error was noticed in the inventorship of U.S. application number 09/683,249. I, Barry O'Brien, was omitted from the Declaration submitted with the United States Patent and Trademark Office on December 5, 2001. The error in inventorship occurred without deceptive intent on my part.

By:

Barry O'Brien 23 April 2004.  
Barry O'Brien

UTILITY/DESIGN PATENT  
Docket No. S63.2-10014-US01

### DECLARATION

As a below-named inventor, I(we) hereby declare that:

#### TYPE OF DECLARATION

This declaration is of the following type:

original  
design  
supplemental  
national stage of PCT  
divisional  
continuation  
continuation-in-part (CIP)

#### INVENTORSHIP DECLARATION

My residence, post office address, and citizenship are as stated below next to my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### COMBINED BALLOON-EXPANDING AND SELF-EXPANDING STENT

the specification of which:

- a) is being filed concurrently herewith  
b) was filed on December 5, 2001 and assigned Application No. 09/683,249  
c) was filed as PCT International Application No. \_\_\_\_\_ filed  
on \_\_\_\_\_ and amended under PCT Article 19  
on \_\_\_\_\_.

#### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56.

☐ In compliance with this duty there is attached an Information Disclosure Statement.  
37 CFR 1.97.

#### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d), of any foreign application(s) for patent or inventor's certificate or of any PCT international applications(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international applications(s) designating at least one country other than the United States of America filed by me having the same subject matter having a filing date before that of the application on which priority is claimed.

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code, §119(e) of any United States provisional application identified below.

U.S. APPLICATIONS	
APPLICATION NUMBER	U.S. FILING DATE
1.	
2.	

#### CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) or PCT international applications(s) designating the United States of America that is/are listed below.

U.S. APPLICATIONS	
APPLICATION NUMBER	U.S. FILING DATE
1.	
2.	


  

PCT APPLICATIONS DESIGNATING THE U.S.	
PCT APPLICATION NO.	PCT FILING DATE
3.	

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Telephone calls and correspondence should be directed to: Jonathan Grad, at Customer  
No. 490. Telephone: (952) 563-3000, Facsimile: (952) 563-3001.

## First Inventor

Full name: Michael John Stephen Austin  
Inventor's signature:   
Date: 23 APRIL 2004  
Citizenship: IE  
Post office Address: 31 Woodfield  
Galway Road  
Tuam  
Co. Galway, Ireland

Residence:  
(if different than above)

## Second Inventor

Full name: Barry O'Brien  
Inventor's signature:   
Date: 23 APRIL 2004  
Citizenship: IE  
Post office Address: 102 Linsmore  
Barna  
Co. Galway  
Ireland

Residence:  
(if different than above)